

**Exhibit C**

**Supreme Court Rule 216**

West's Smith-Hurd Illinois Compiled Statutes Annotated

Court Rules

Illinois Supreme Court Rules (Refs & Annos)

Article II. Rules on Civil Proceedings in the Trial Court

Part E. Discovery, Requests for Admission, and Pretrial Procedure (Refs & Annos)

ILCS S. Ct. Rule 216

Formerly cited as IL ST CH 110A ¶216; IL ST S. Ct. Rule 216

Rule 216. Admission of Fact or of Genuineness of Documents

Currentness

**(a) Request for Admission of Fact.** A party may serve on any other party a written request for the admission by the latter of the truth of any specified relevant fact set forth in the request. A copy of the request for admission shall be served on all parties entitled to notice.

**(b) Request for Admission of Genuineness of Document.** A party may serve on any other party a written request for admission of the genuineness of any relevant documents described in the request. Copies of the documents shall be served with the request unless copies have already been furnished.

**(c) Admission in the Absence of Denial.** Each of the matters of fact and the genuineness of each document of which admission is requested is admitted unless, within 28 days after service thereof, the party to whom the request is directed serves upon the party requesting the admission either (1) a sworn statement denying specifically the matters of which admission is requested or setting forth in detail the reasons why the party cannot truthfully admit or deny those matters or (2) written objections on the ground that some or all of the requested admissions are privileged or irrelevant or that the request is otherwise improper in whole or in part. If written objections to a part of the request are made, the remainder of the request shall be answered within the period designated in the request. A denial shall fairly meet the substance of the requested admission. If good faith requires that a party deny only a part, or requires qualification, of a matter of which an admission is requested, the party shall specify so much of it as is true and deny only the remainder. Any objection to a request or to an answer shall be heard by the court upon prompt notice and motion of the party making the request. The response to the request, sworn statement of denial, or written objection, shall be served on all parties entitled to notice.

**(d) Public Records.** If any public records are to be used as evidence, the party intending to use them may prepare a copy of them insofar as they are to be used, and may seasonably present the copy to the adverse party by notice in writing, and the copy shall thereupon be admissible in evidence as admitted facts in the case if otherwise admissible, except insofar as its inaccuracy is pointed out under oath by the adverse party in an affidavit filed and served within 28 days after service of the notice.

**(e) Effect of Admission.** Any admission made by a party pursuant to request under this rule is for the purpose of the pending action and any action commenced pursuant to the authority of section 13-217 of the Code of Civil Procedure (735 ILCS 5/13-217) only. It does not constitute an admission by him for any other purpose and may not be used against him in any other proceeding.

**(f) Number of Requests.** The maximum number of requests for admission a party may serve on another party is 30, unless a higher number is agreed to by the parties or ordered by the court for good cause shown. If a request has subparts, each subpart counts as a separate request.

**(g) Special Requirements.** A party must: (1) prepare a separate document which contains only the requests and the documents required for genuine document requests; (2) serve this document separate from other documents; and (3) put the following warning in a prominent place on the first page in 12-point or larger boldface type: **“WARNING: If you fail to serve the response required by Rule 216 within 28 days after you are served with this document, all the facts set forth in the requests will be deemed true and all the documents described in the requests will be deemed genuine.”**

#### Credits

Amended July 1, 1985, eff. Aug. 1, 1985; May 30, 2008, eff. immediately; Oct. 1, 2010, eff. Jan. 1, 2011; Jan. 4, 2013, eff. immediately; March 15, 2013, eff. May 1, 2013; May 29, 2014, eff. July 1, 2014.

**Formerly** Ill.Rev.Stat.1991, ch. 110A, ¶ 216.

#### COMMITTEE COMMENT

(October 1, 2010)

Paragraphs (f) and (g) are designed to address certain problems with Rule 216, including the service of hundreds of requests for admission. For the vast majority of cases, the limitation to 30 requests now found in paragraph (f) will eliminate this abusive practice. Other noted problems include the bundling of discovery requests to form a single document into which the requests to admit were intermingled. This practice worked to the disadvantage of certain litigants, particularly pro se litigants, who do not understand that failure to respond within the time allowed results in the requests being deemed admitted. Paragraph (g) provides for requests to be contained in a separate paper containing a boldface warning regarding the effect of the failure to respond within 28 days. *Consistent with Vision Point of Sale Inc. v. Haas, 226 Ill.2d 334 (2007)*, trial courts are vested with discretion with respect to requests for admission.

#### COMMITTEE COMMENTS

(Revised July 1, 1985)

This rule is derived from former Rule 18. Despite the usefulness of requests for admission of facts in narrowing issues, such requests seem to have been used very little in Illinois practice. The committee was of the opinion that perhaps this has resulted in part from the fact that they are provided for in the text of a rule that reads as if it relates primarily to admission of the genuineness of documents. Accordingly, it has rewritten the rule to place the authorization for request for admission of facts in a separate paragraph. No change in the substance of former Rule 18 was intended.

Subparagraph (e) was amended in 1985 to resolve an apparent conflict about whether admissions are carried over into subsequent cases between the same parties, involving the same subject matter, as are the fruits of other discovery activities (see Rule 212(d)). Relief from prior admissions is available to the same extent in the subsequent action as in the case which was dismissed or remanded.

Notes of Decisions (262)

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I.L.C.S. S. Ct. Rule 216, IL R S CT Rule 216

Current with amendments received through January 1, 2016.

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